

## **REMARKS**

Claims 1-25 are pending.

Claims 1-25 stand rejected.

Claims 1, 2, 8, 10, 12, 13, and 16-19 have been amended.

Claims 7 and 15 have been canceled without prejudice or disclaimer of the subject matter recited therein.

Claims 26-28 have been added. Support for Claims 26-28 includes, for example, p. 11, lines 21-32 and Figure 9. Note, the invention is defined by the Claims and not limited by specific embodiments within the Detailed Description.

## **Specification**

The specification is objected to because the Abstract exceeds 150 words. The Abstract has been amended to consist of 150 words.

Accordingly, Applicant respectfully requests withdrawal of the objection.

## **Claim Rejections - 35 U.S.C. § 102**

Claims 1-4, 6-12, 14, 15, 17, 19-22, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 20020178161 to Brezin et al. (referred to herein as "*Brezin*"). Applicant respectfully traverses the rejection.

*Brezin* relates to:

A method and apparatus for optimizing information-retrieval related system performance based on users' communication relationships. Users' interactions and relationships with each other are tracked by a 'relationship analyzer' that queries multiple heterogeneous information sources, such as e-mail logs, organization charts, calendar entries, phone logs, etc. A data structure is created for each user reflecting the intensity of communication relationship with other users, and modified over time as the data in the information sources change. *Brezin*, Abstract.

The purpose of *Brezin* is "to improve system performance in a variety of ways: for example, to shorten retrieval time, to resolve missing or ambiguous results, to

prioritize information for downloading to limited-resource computing devices, or to propagate updated information among closely related users.” *Id.*

Although *Brezin* teaches “optimizing information-retrieval [] based on users’ communication relationships” [*Id.*, Abstract], Applicant respectfully submits that *Brezin* fails to teach or suggest **“storing one or more areas of expertise for plural members of the organization”, “identifying an area of expertise desired by the first member of the organization”, AND “selecting a contact path ... and the contact path identifies one or more members of the organization that represent a proposed path through the people network for the first member to contact a member of the organization having the desired expertise indicated in the memory.”** Claim 1.

“[I]dentifying an area of expertise desired by the first member” and having a contact path that “identifies one or more members of the organization that represent a proposed path through the people network for the first member to contact a member of the organization having the desired expertise” as recited by Claim 1 is clearly not the purpose of the teachings of *Brezin*.

However, the Examiner submits that despite having different purposes, nevertheless *Brezin* does teach amended Claim 1, which incorporates elements of cancelled Claim 7. More specifically, the Examiner points to paragraphs 76-81 of *Brezin*.

Paragraphs 76-81 of *Brezin* teach that “to further refine the derived relation group DRG(x), the RA [Relationship Analyzer] preferably computes a "subject-specific relationship" RiS(is, x,y,sub) where "is" is an information source such as one of the list above and "sub" is the contents of the "subject" field (or other text content or description) of the communication (e.g., e-mail).” The Examiner states that “Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user.” Office Action, p. 4.

Applicant respectfully submits that although computing a subject-specific relationship from communications may help correlate communications for the derived relation group, **a subject-specific relationship** is NOT a reliable indication of expertise

and, thus, would not *necessarily* be used to assign implied expertise as asserted by the Examiner. Applicant submits that from common knowledge, e-mails, for example, are received by users with subject lines regarding matters for which the user has absolutely no expertise, may have some expertise, or may have a high degree of expertise. For example, an electrical engineer who receives an e-mail regarding home mortgages or specific pharmaceuticals may or may not have any expertise of regarding mortgages or specific pharmaceuticals. Thus, only a possibility exists that the subject line indicates the expertise of the recipient.

Furthermore, from common knowledge, subject lines may be vague and provide little if any objective indication regarding the contents of the e-mail let alone the expertise of the recipient.

Thus, although there is the possibility that subject line text *may* indicate the recipient's expertise, Applicant respectfully submits that such possibility is not sufficient for purposes of 35 U.S.C. § 102 to anticipate the Claimed invention. More specifically, the former Court of Customs and Patent Appeals (CCPA), whose precedent is followed by the Federal Circuit, has stated that "[i]nherency, however, may not be established by probabilities or possibilities." *In re Oelrich*, 212 USPQ 323, 326 (C.C.P.A. 1981). "The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient." *Id.* "Under the principles of inherency, if the prior art **necessarily** functions in accordance with, or includes, the claimed limitations, it anticipates." MEHL/Biophile Int'l Corp. v. Milgraum, 192 F.3d 1362, 1365, 52 USPQ2d 1303, 1305 (Fed. Cir. 1999). (emphasis added).

Note: Applicant is not asserting that *Brezin* is not enabling for the purposes taught by *Brezin*. However, although information in the subject lines cannot be a reliable indication of the expertise of the recipient, this is not a problem for *Brezin* because the purpose of *Brezin* is to "optimiz[e] information-retrieval [] based on users' communication relationships" not to identify a person with desired expertise.

Thus, Applicants respectfully submit that *Brezin* fails to teach or suggest the invention of Claim 1.

For at least reasons similar to those regarding Claim 1, Applicant respectfully submits that *Brezin* also fails to teach or suggest:

**Claim 10:**

a memory to store one or more areas of expertise for plural members of the organization; ... and

a people network model module interfaced with the communications network and interfaced with the memory; ... and

a target locator module interfaced with the people network model and the interaction level analyzer module, the target locator module operable to accept a query from a first member for members of the organization having a desired expertise and to provide the first member with one or more target individuals based on the desired expertise and the level of interaction of the first member with members of the organization.

**Claim 17:**

identifying members of the organization having expertise in the subject matter;

selecting as target individuals only the identified members having at least a predetermined level of electronic communication interaction with the first member; and

providing the first member with at least one contact path to each of the target individuals.

Applicant respectfully requests withdrawal of the rejection of independent Claims 1, 10, and 17.

Applicant respectfully submits that dependent Claims 2-4, 6-9, 11, 12, 14, 15, 19-22, and 24 are allowable for at least the same reasons as the independent claim upon which each directly or indirectly depends.

**Claim Rejections - 35 U.S.C. § 103**

Claims 5, 13, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brezin* as applied to claims 3, 11 and 19.

Claims 16, 18, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brezin as applied to claims 15, 17 and 19, in view of U.S. Patent Publication No. 20020059201 to Work (referred to herein as “*Work*”).

Applicant respectfully traverses the rejections.


Applicant respectfully submits that Claims 5, 13, 16, 18, 23, and 25 are allowable for at least the same reasons as the independent claim upon which each directly or indirectly depends.

### **New Claims**

Applicant respectfully submits that new claims 26-28 are allowable over the cited references. As for example depicted in Figures 7A and 7B, *Brezin* discloses a direct relationship between one individual and another. Applicant respectfully submits that *Brezin* neither teaches nor suggests a “contact path includes at least one intervening member of the organization between the first member and the target individual” as recited in Claims 26-28.

### CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, Alexandria, VA 22313-1450, on April 12, 2006.	
	<u>4-12-2006</u>
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,



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